MADRAS ACT No. I OF 1881.[1]

[THE MADRAS PORTS POLICE ACT, 1881.]

[*29th January 1881* ; *12th March 1881.*]

An Act to provide for the maintenance of a special Police-force in the Ports of the Presidency of Fort St. George.

Preamble. WHEREAS it is expedient to make special provision for the security of the traffic between the shore and shipping in the ports of the Presidency of Fort St. George and to make the said traffic contribute towards the cost thereof ; It is enacted as follows :—

Short title. **1.** This Act may be called the Madras Ports Police Act, 1881.

Scope of Act. It shall take effect in such port or ports in the Presidency of Fort St. George and from such date as the [2][State Government] may from time to time direct by notification in the [3] [Official Gazette].

Additional charge on the hire of boats carrying goods. **2.** To meet the expense of the Police-force, established under the provisions of Act XXIV of 1859 (*an Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George*) and Madras Act VIII of 1867 [4] (*an Act to incorporate the Police of the Town of Madras with the General Police of the Madras Presidency, etc.*), which may be necessary for the purpose of this Act, the [2] [State Government] may, from time to time, by notification in the [3][Official Gazette], fix such sum as may suffice at each port on an annual estimate to cover the cost of such special force to be charged and taken by the owner of every boat employed to convey goods to or from any ship or vessel in any port in the Presidency of Fort St. George in which this Act may take effect, in addition to the hire payable under Act IV of 1842 [5] (*for the better management of boats and catamarans in the Madras Roads and for the amendment of certain Harbour Regulations*) or under Act IX of 1846[5] (*an Act for authorizing the Government of Fort St. George to provide Regulations for the several*

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 6th July, 1880, p. 3 ; for Report of the Select Committee *see ibid*, dated 7th December 1880, p. 1 ; for Proceedings in Council, *see ibid.* dated 27th July 1880, p. 3 and, *ibid*, dated 25th January 1881, p. 2.

[2] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

[4] *See* now the Madras City Police Act, 1888 (Mad. Act III of 1888).

[5] Rep. by the Madras Repealing and Amending Act, 1893 (Mad. Act I of 1893), itself repealed by Central Act XI of 1901.

ports and places of anchorage within the territories subject thereto) or under any Act that may be hereafter enacted for the like purpose.

No goods to be conveeyd unless boat be accompanied by a Police officer.

3. No goods of any description shall be conveyed in any boat to or from any ship or vessel in any port in which this Act may take effect unless an Officer of the Police-force is present on board such boat; and it shall be the duty of the Commissioner or Superintendent of Police to provide every such boat with an officer of the Police-force for such purpose.

Penalties for omission to carry Police officer.

4. The owner of every boat and the tindal and boatmen for the time being employed in any boat in which any goods shall with the connivance of such boat-owner, tindal or boatmen be conveyed to or from any ship or vessel in any port in which this Act may take effect without having an Officer of the Police-force on board of such boat, shall, on conviction before a magistrate, be liable as follows :—

every boat-owner to a fine not exceeding fifty rupees ;

every tindal to a fine not exceeding twenty rupees ;

every boatman to a fine not exceeding five rupees.

Penalties for obstruction or hindrance to Police officer.

5. Every boat-owner, tindal or boatman of any boat who shall hinder any such officer from proceeding on board such boat or shall obstruct him in the performance of his duty when in any such boat, shall, on conviction before a Magistrate, be liable as follows :—

every boat-owner to a fine not exceeding one hundred rupees ;

every tindal to a fine not exceeding thirty rupees or to corporal punishment not exceeding fifty lashes with a cat-o'-nine tails ;

every boatman to a fine not exceeding fifteen rupees or to corporal punishment not exceeding thirty lashes with a cat-o'-nine tails.

Owner to make weekly return of trips.

6. Every boat-owner shall on every Monday make or cause to be made—

to the Commissioner of Police, or

to the Superintendent of Police, or

to such other person as the said Commissioner or Superintendent of Police shall appoint to receive the same, or

to the Port-officer of any port in which this Act may take effect, if such Port-officer shall be appointed to such duty by the [1][State Government],

a return in writing, signed by such boat-owner or his agent of the number of trips made by each of his boats on each day during the preceding week.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Penalty for neglecting to make return and for making false return.

7. Every boat-owner who shall neglect to make the return required by section 6 shall, on conviction before a Magistrate, be liable for a first offence to a fine not exceeding fifty rupees, and for a second or any subsequent offence to a fine not exceeding one hundred rupees ;

and every boat-owner who shall knowingly make a false return shall be liable to a fine not exceeding three hundred rupees and a forfeiture of all licences which he may hold under the provisions of Act IV of 1842 [1] or IX of 1846.[1]

Boat-owner to pay to the Commissioner or Superintendent of Police the sums charged under this Act.

8. Every boat-owner shall on every Monday pay or cause to be paid—

to the said Commissioner of Police, or

to the Superintendent of Police, or

to such other person as the said Commissioner or Superintendent of Police shall appoint to receive the same, or

to the Port-officer of any port in which this Act may take effect, if such Port-officer shall be appointed to such duty by the [2] [State Government],

the regulated sum as provided under section 2 for every trip made by any boat belonging to him employed in conveying goods, according to the weekly return made by him as hereinbefore directed ;

Procedure on default.

and, in default of such payment, one or more of the boats of any boat-owner making such default may be seized and sold by virtue of a warrant under the hand and seal of a Magistrate until the amount so due by such boat-owner and the expenses of sale shall be realized ; and such amount when realized shall be forthwith paid to the said Commissioner or Superintendent of Police or other officer appointed as aforesaid. Any surplus arising from such sale shall, provided application be made within three months from the date of such sale, be paid to such boat-owner.

Moneys received under this Act to be paid into the public treasury.

9. All moneys paid to or received by the said Commissioner or Superintendent of Police, or other officer as aforesaid under this Act, shall be paid by such officer at least once a month into the public treasury.

Act not to apply to boats conveying only mails.

10. This Act shall not apply to any boat which shall convey mails exclusively to or from any ship or vessel in any port in which this Act may take effect.

Powers of Police-officers under the Act.

11. From and after the passing of this Act, it shall be lawful for all Police-officers appointed under Act XXIV of 1859

[1] Rep. by the Madras Repealing and Amending Act, 1893 (Mad. Act I of 1893).

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or Madras Act VIII of 1867 to exercise within the limits of any port in which this Act may take effect all powers given to them by the said Acts, respectively.

Central Act VI of 1877.

12. The provisions of the Code of Criminal Procedure[1] and the Presidency Magistrates Act[2] shall apply to all fines and punishments awarded under this Act.

Code of Criminal Procedure and Presidency Magistrates Act to apply to punishments.

13. The [3][State Government] may from time to time, by notification in the [4][Official Gazette], apply the provisions of this Acts to boats conveying passengers to or from any vessel in all or any ports in which this Act shall take effect under section 1.

Power to apply Act to passenger boats.

14. It shall be competent to the [5][State Government of Madras] to withdraw from the operation of this Act, by notification in the official Gazette, any port, or ports in which this Act may take effect.

Government may withdraw ports from operation of Act.

15. [*Repeal of enactment.*] *Rep. by the Repealing and Amending Act*, 1901 (*Central Act XI of* 1901).

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[1] *See* now Central Act V of 1898.

[2] Act IV of 1877, with the exception of s. 57, which relates to the fees payable for summons or warrants issued by Presidency Magistrates, was repealed by Act X of 1882.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substitiuted for "Provincial" by the Adaptation Order of 1950.

[4] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[5] The words "Provincial Government of Madras" were substituted for the words "Governor in Council of Fort St. George" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.